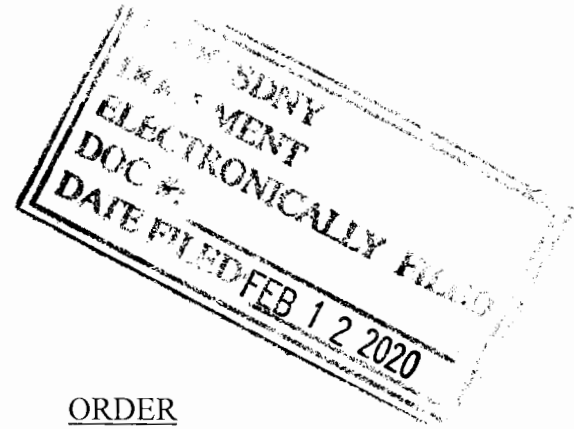


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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IN RE: :  
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TERRORIST ATTACKS ON :  
SEPTEMBER 11, 2001 :  
:  
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ORDER

03 MDL 1570 (GBD) (SN)

This document relates to:

*Estate of John P. O'Neill, Sr. et al. v. The Republic of Iraq et al.*, 04 Civ. 1076 (GBD) (SN)

GEORGE B. DANIELS, United States District Judge:

On January 15, 2020, the O'Neill Plaintiffs moved this Court to award a partial final judgment, made up of the sums of pain and suffering awards and economic loss awards, against the Islamic Republic of Iran. (The *O'Neill* Pls.' Notice of Mot. for Partial Final J. II, ECF No. 5613.)<sup>1</sup>

The clerk of court previously filed a certificate of default in favor of the O'Neill Plaintiffs and against various defendants on September 1, 2015 in the member case *Estate of John P. O'Neill, Sr. et al. v. The Republic of Iraq et al.*, 04 Civ. 1076 (GBD) (SN) (the "O'Neill" Action).<sup>2</sup> (Corrected Clerk's Certificate of Default, *O'Neill*, ECF No. 434.) Notably, the Islamic Republic of Iran is not listed as a defendant in this certificate of default. Despite the fact that the O'Neill Plaintiffs mailed to Iran a Notice of Judgment among other documents on September 11, 2019, (*see* Certificate of Mailing, *O'Neill*, ECF No. 523), this in itself does not stand in the place of proper service of the complaint, nor does it amend the certificate of default to include Iran as a defendant.

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<sup>1</sup> Unless otherwise indicated, all citations included herein refer to documents filed in the 9/11 multidistrict litigation docket. *See In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN).

<sup>2</sup> Citations to "*O'Neill*" refer to documents filed in the O'Neill Action.


On February 5, 2020, Magistrate Judge Netburn issued an order addressing the requirement of filing a certificate of default against Iran prior to receiving a default judgment in this case. (Order, ECF No. 5856.) In that order, Magistrate Judge Netburn made clear that “the Court will not enter any further judgments . . . on behalf of any other plaintiffs that have not completed the service requirements, until a certificate of default has been filed.” (*Id.* at 3.)

Pursuant to Magistrate Judge Netburn’s order, this Court will not enter judgment against Iran in favor of the O’Neill plaintiffs until a proper certificate of default against Iran has been filed.

Dated: February 10, 2020  
New York, New York

FEB 12 2020

SO ORDERED.

  
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GEORGE B. DANIELS  
United States District Judge